

Sep 20, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SAMUEL TEACHER BANKS,

Plaintiff,

v.

LARRY HASKLE, PATRICK T.  
JOHNSON, and GEOFFREY  
KRISTIANSON,

Defendants.

NO: 2:18-CV-00116-RMP

ORDER DISMISSING COMPLAINT

By Order file June 7, 2018, the Court advised Plaintiff of the deficiencies of his complaint and directed him to amend or voluntarily dismiss within sixty (60) days. ECF No. 9. On July 25, 2018, the Court received notice from the Spokane County Jail that Plaintiff had been released to the custody of the Washington State Department of Corrections at the Washington Correction Center. ECF No. 10. Plaintiff is proceeding *pro se* and *in forma pauperis*; Defendants have not been served.

1 Plaintiff filed his complaint against three prosecutors, asking this Court to  
2 intervene in state criminal proceedings to ensure a “fair trial free of threats or  
3 coercion.” ECF No. 1 at 8. The named Defendants, however, were entitled to  
4 absolute prosecutorial immunity from liability under 42 U.S.C. § 1983. *See Imbler*  
5 *v. Pachtman*, 424 U.S. 409, 430 (1976).

6 In addition, Plaintiff sought monetary damages claiming “human rights”  
7 violations under “Article 1, Article 7, Article 10, Article 11 and Article 30,” ECF  
8 No. 1 at 5, presumably of the Universal Declaration of Human Rights. This also  
9 failed to state a viable claim for relief. *See Sosa v. Alvarez-Machain*, 542 U.S.  
10 692, 734–35 (2004) (explaining that the Universal Declaration of Human Rights is  
11 an international agreement that does not give rise to legal obligations because it is  
12 merely a “statement of principles”).

13 Plaintiff did not amend as directed and has not filed anything further in this  
14 action. Therefore, for the reasons set forth above and in the Court’s prior Order,  
15 ECF No 9, **IT IS ORDERED** that the complaint, **ECF No. 8**, is **DISMISSED** for  
16 failure to state a claim upon which relief may be granted under 28 U.S.C. §§  
17 1915(e)(2) and 1915A(b)(1), but **without prejudice** to Plaintiff pursuing  
18 appropriate state appellate and federal habeas relief.

19 Based on this Court’s reading of *Washington v. Los Angeles Cty. Sheriff’s*  
20 *Dep’t*, 833 F.3d 1048 (9th Cir. 2016), this dismissal will **NOT** count as a “strike”  
21 pursuant to 28 U.S.C. § 1915(g). The Court certifies that any appeal of this

1 dismissal would not be taken in good faith.

2 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this  
3 Order, enter judgment for Defendants, provide a copy to Plaintiff at his last known  
4 address, and close the file.

5 **DATED** September 20, 2018.

6  
7 *s/ Rosanna Malouf Peterson*  
8 ROSANNA MALOUF PETERSON  
9 United States District Judge  
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